

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BUTTE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LEVITICUS LEE LEVERITT,

Defendant.

CR 18–19–BU–DLC

ORDER

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation in this matter on January 15, 2019. Neither party objected and therefore they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

This Court will review the Findings and Recommendation for clear error.

*McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Lynch recommended this Court accept Leviticus Lee Leveritt’s guilty plea after Leveritt appeared before him pursuant to Federal Rule of Criminal Procedure 11, and entered a plea of guilty to one count of possession with the

intent to distribute methamphetamine in violation of 21 U.S.C. § 841(a)(1) as set forth in Count I of the Superseding Information, and one count of being a felon in possession of a firearm in violation of 18 U.S.C. § 922(g)(1) as set forth in Count II of the Superseding Information. Defendant further agrees to the forfeiture allegation in the Superseding Information. In exchange for Defendant's plea, the United States has agreed to dismiss the Indictment.

I find no clear error in Judge Lynch's Findings and Recommendation (Doc. 82), and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that Leviticus Lee Leveritt's motion to change plea (Doc. 67) is GRANTED and Leviticus Lee Leveritt is adjudged guilty as charged in Counts I and II of the Superseding Information.

DATED this 31st day of January, 2019.



Dana L. Christensen, Chief District Judge  
United States District Court